

*Sullivan*

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USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/17/08

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MOLINO'S DIAMONDS INC. d/b/a  
MOLINO JEWELERS,  
Plaintiff,

- against -

DINARO CREATIONS LLC, and  
ALMOD DIAMONDS LTD d/b/a Diamonds  
International  
Defendants.  
-----X

08 cv 2898 (RJS)  
Civil Action No. ~~08-cv-2829~~ (RJS) (b7)  
ECF CASE

FINAL JUDGMENT ON CONSENT

WHEREAS, plaintiff, MOLINO'S DIAMONDS INC. (hereinafter referred to as "MOLINO") is the owner of United States Patent No. 6,789,395, entitled "Convertible Pendant Jewelry" ("395 patent"), which Plaintiff asserts to be valid and enforceable, a copy thereof being attached hereto as Exhibit A;

WHEREAS, ALMOD DIAMONDS LTD d/b/a DIAMONDS INTERNATIONAL ("AD") had sold and/or offered for sale certain specified convertible jewelry that MOLINO has alleged to infringe claims of the '395 patent ("Accused Product(s)");

WHEREAS, MOLINO instituted this action against AD, by filing a Complaint for Patent Infringement;

WHEREAS, AD denies any infringement; and

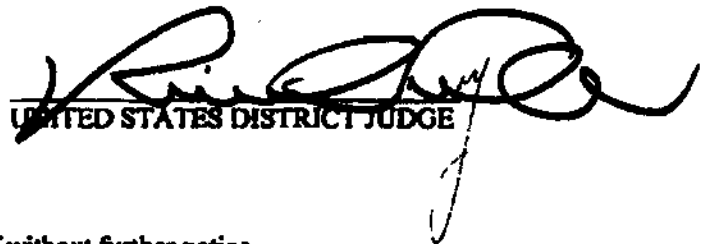
WHEREAS, MOLINO and AD have reached an agreement settling this dispute and have stipulated to the entry of this Judgment. Accordingly,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1. This Court shall retain jurisdiction over the subject matter and the parties;
2. Without any admission of liability, AD and each of its agents, employees, affiliates, successors and all parties acting in concert or participation with it, or any of them, be and are hereby enjoined and restrained from manufacturing, promoting, advertising, offering for sale, distributing, marketing, importing and/or selling, directly or indirectly, in the United States, products that infringe the '395 patent.
3. Each party shall bear its own costs.

Dated:

7/17/08

  
UNITED STATES DISTRICT JUDGE

The undersigned consent to the entry hereof without further notice.

MISKIN & TSUI-YIP LLP

  
By: Gloria Tsui-Yip  
Attorneys for Plaintiff

MOLINO DIAMONDS INC.  
D/B/A MOLINO JEWELERS

  
By: William Molino  
Title: Pres

BRICKELL BAYVIEW CENTRE

By: Peter M. Hockman  
Attorneys for Almod Diamonds, Ltd.  
(Not Counsel of Record)

ALMOD DIAMONDS LTD. d/b/a DIAMONDS  
INTERNATIONAL

By:  
Title:

THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1. This Court shall retain jurisdiction over the subject matter and the parties:

2. Without any admission of liability, AD and each of its agents, employees,

affiliates, successors and all parties acting in concert or participation with it, or any of them, be and are hereby enjoined and restrained from manufacturing, promoting, advertising, offering for sale, distributing, marketing, importing and/or selling, directly or indirectly, in the United States, products that infringe the '395 patent.

3. Each party shall bear its own costs.

Dated:

UNITED STATES DISTRICT JUDGE

The undersigned consent to the entry hereof without further notice.

MISKIN & TSUI YIP LLP

MOLINO DIAMONDS INC.  
D/B/A MOLINO JEWELERS

By: Gloria Tsui-Yip  
Attorneys for Plaintiff

By: \_\_\_\_\_  
Title:

BRICKELL BAYVIEW CENTRE

ALMOD DIAMONDS LTD. d/b/a DIAMONDS  
INTERNATIONAL

By: Peter M. Hockman  
Attorneys for Almod Diamonds, Ltd.  
(Not Counsel of Record)

By: MORRIS GRUB  
Title: AUTHORIZED OFFICER

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

**Date:**

**In Re:**

-v-

**Case #:**

( )

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

**J. Michael McMahon, Clerk of Court**

by: \_\_\_\_\_

, Deputy Clerk

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

-V-	<div style="text-align: right;">X</div> <div style="text-align: center;"><b>NOTICE OF APPEAL</b></div> <div style="text-align: center;">civ.            (    )</div> <div style="text-align: left;">X</div>
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Notice is hereby given that \_\_\_\_\_  
(party)  
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(day) (month) (year)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

(    ) \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

**FORM 1**

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**MOTION FOR EXTENSION OF TIME  
TO FILE A NOTICE OF APPEAL**

civ.

( )

Pursuant to Fed. R. App. P. 4(a)(5), \_\_\_\_\_ respectfully  
(party)  
requests leave to file the within notice of appeal out of time. \_\_\_\_\_  
(party)  
desires to appeal the judgment in this action entered on \_\_\_\_\_ but failed to file a  
(day)  
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

( )

\_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

**APPEAL FORMS**

Docket Support Unit

Revised: April 9, 2006

**FORM 2**

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**NOTICE OF APPEAL  
AND  
MOTION FOR EXTENSION OF TIME**

civ. ( )

1. Notice is hereby given that \_\_\_\_\_ hereby appeals to  
(party)  
the United States Court of Appeals for the Second Circuit from the judgment entered on \_\_\_\_\_.  
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time  
\_\_\_\_\_ respectfully requests the court to grant an extension of time in  
(party)  
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, \_\_\_\_\_ states that  
(party)  
this Court's judgment was received on \_\_\_\_\_ and that this form was mailed to the  
(date)  
court on \_\_\_\_\_  
(date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

( ) \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

**APPEAL FORMS**

Docket Support Unit

Revised: April 9, 2006

**FORM 3**

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

-----X  
-V-  
-----X

**AFFIRMATION OF SERVICE**

civ. ( )

I, \_\_\_\_\_, declare under penalty of perjury that I have  
served a copy of the attached \_\_\_\_\_

upon \_\_\_\_\_

whose address is: \_\_\_\_\_

Date: \_\_\_\_\_  
New York, New York

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

**APPEAL FORMS**

Docket Support Unit

Revised: April 9, 2006